

PATENT

Case Docket No. UC083.001CP2

Date: October 30, 2002

Page 1

In re application of : Tsien et al.  
App. No. 09 866,538  
Filed May 24, 2001  
For NON-OLIGOMERIZING  
TANDEM FLUORESCENT  
PROTEINS  
Examiner Chih-Min Kam  
Art Unit : 1653

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) and Trademark Office, P.O. 2327, Arlington, VA  
) 22202, on

October 30, 2002

(Date)

Ginger R. Dreger, Reg. No. 33,055

UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 2327  
Arlington, VA 22202

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TECH CENTER 1600/2900

Sir:

Transmitted herewith is an amendment and response to election restriction requirement in the above-identified application.

The fee has been calculated as shown below:

## CLAIMS AS FILED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
Total Claims	66	87	= 0 ×	\$9	= \$0
Independent Claims	1	3	= 0 ×	\$42	= \$0
If application has been amended to contain multiple dependent claim(s), then add				\$140	= \$0
Time Extension Fee					\$0
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0

(X) The present application qualifies for small entity status under 37 C.F.R. § 1.27.

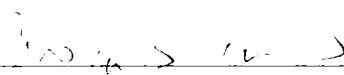
PATENT

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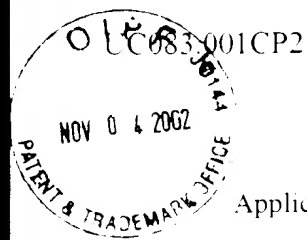
Date: October 30, 2002

Page 2

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- (X) Return prepaid postcard.
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\_\_\_\_\_  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) Tsien *et al.* )  
Appl. No. 09 866,538 )  
Filed May 24, 2001 )  
For NON-OLIGOMERIZING )  
TANDEM FLUORESCENT )  
PROTEINS )  
Examiner Chih-Min Kam )  
Group Art Unit 1653 )

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AMENDMENT AND RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

US PATENT AND TRADEMARK OFFICE  
PO Box 2327  
Arlington, VA 22202

Dear Sir:

The present communication is responsive to the Office Action mailed on September 30, 2002 (Paper No. 10). That Office Action set a shortened statutory period for reply of one month. The present communication satisfies the Examiner's requirement for Election/Restriction.

Applicant's request that the application be amended as follows.

AMENDMENT

In accordance with 37 C.F.R. § 1.121, please amend the application as follows.

IN THE CLAIMS:

Please cancel originally filed claims 1-87, without prejudice.

Please insert new claims 88-153, as provided below.

88. (New) A polynucleotide encoding a non-oligomerizing tandem fluorescent protein, wherein the non-oligomerizing tandem fluorescent protein comprises a first monomer of